

Applicant : Chester F. Grochoski
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REMARKS

Reconsideration of the above identified patent application is again respectfully requested. Claims 1, 3-8, 10-17, and 19-26 remain in the application; and all are amended pursuant to 37 C.F.R. 1.116(b). Claims 2, 9, and 18 are cancelled, the subject matter thereof having been incorporated into the respective base independent claims. The rejection under 35 U.S.C. 103 is respectfully traversed.

All of the claims are amended in two regards. First, the reflective layer is specifically defined to be a metallic foil. This is simply an incorporation of a dependent claim feature into the independent claims. The corresponding dependent claims are canceled. Second, the claimed article is specifically defined to be a concrete curing blanket. It is respectfully submitted that these amendments comply with 37 C.F.R. 1.116(b) because the amendments either cancel claims (i.e. the previously presented independent claims) or present the claims in better form for consideration on appeal.

As previously presented, all claims were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,549,956 to Handwerker in view of U.S. Patent 5,843,554 to Katz.

Handwerker was addressed in the previous Response, and those comments are incorporated herein by reference. Applicant does not believe that it is necessary to burden this file history by repeating those remarks. Suffice it to say that Handwerker fails to disclose the basic concept of the present invention -- namely, a concrete curing blanket having an exposed metallic foil.

Katz is cited as disclosing an exposed reflective layer. However, the reflective layer is on a swimming pool cover, and the reflective layer is a thermoplastic -- not a metallic

foil. Katz discloses three distinctly different objects -- a concrete curing blanket is disclosed in Figs. 1-4; a swimming pool cover is disclosed in Figs. 5a-5b and 8; and a floor covering is disclosed in Figs. 6-7. The only one of these objects that includes a reflective layer is the swimming pool cover.

The Katz swimming pool cover is illustrated in Figs. 5a-5b and includes a plastic base layer 34 and a reinforced thermoplastic surface layer 36. The surface layer in turn includes a white thermoplastic layer 36a, a black thermoplastic layer 36b, and a reinforcing layer 38 therebetween. (Column 8, lines 24-44) When the cover is placed on the pool black-side-up, it draws solar energy into the water. When the cover is placed on the pool white-side-up, it reflects solar energy. (Column 3, line 45 through column 9, line 6)

The Katz swimming pool cover is targeted at an entirely different issue than is Handwerker. The Katz reflective layer reflects solar energy and has nothing to do -- in either orientation -- with reflecting radiant heat back into the water. The Handwerker concrete curing blanket retains heat in curing concrete. Because Katz and the present invention are entirely different objects addressing entirely different issues, and because there is no suggestion in either reference that it can be combined with the other reference, and because there is no motivation in either field for combining the references, it is respectfully submitted the references are not properly combinable, and further that any combination of the references is an improper hindsight effort to reconstruct the present invention.

Further, Katz does not suggest a metallic foil layer. Because the Katz reflective layer is thermoplastic and not a metallic foil, Katz would not effectively reflect radiant heat downwardly into the concrete, and Katz would not effectively distribute retained heat laterally. It therefore is respectfully submitted that even the improper combination of Handwerker and

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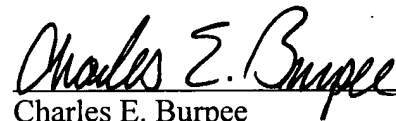
Katz does not disclose the present invention.

In conclusion, it is respectfully submitted that the present application is fully in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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